

150 A BRIEF

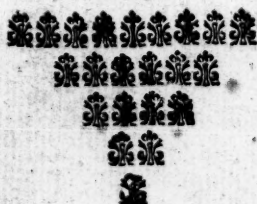
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VINDICATION

OF

Mr. Perciball Bunskell's

CASE. K

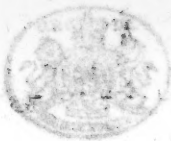
With an Account of Twenty One Years most
Remarkable Passages.



LONDON:

Printed in the Year, 1695.

This is an extremely curious account of the higher enormities practised in the reigns of Charles II. and James II. Brunkell seems to have been a state informer, but, for very strong reasons, not to have been much encouraged even by the ministry of William III.



*To the Honourable the Knights, Citizens and Burgeses in
Parliament Assembled,*

The Humble Petition of Percivall Brunskell, Gent.

Sheweth,

THAT King *Charles* the Second, and his Now Majesty, were Bountifully Inclined to Your Petitioner; but such as were Intrusted to fulfil Their Majesties Pleasure, neglected your Petitioner: And your Petitioner being sent to Parliament, his Case, with the Committees Resolutions thereon, and the Reports, Opinions and Certificates of Learned Men in the Late Reigns and This, Representing your Petitioner Worthy of Reward, were laid before the Late Houle, 27 December 1690. And several Laws are since Made, and others have been on the Stage for Redress of Abuses, particularly set forth in your Petitioner's Case. And Last Session your Petitioner's Case was Re-Examined and Reported worthy the Consideration of the House; and the Honourable Committee Resolved and Reported their Resolutions, *That the House be moved, That an Humble Address be made to His Majesty, That He would be Graciously pleased to take into His Princely Consideration the Services and Sufferings of your Petitioner, and Reward the same:* But the Report being made the 20th Day of April last, just at the ending of the Session, and when the House was Busily Employed to find out Persons suspected to be Guilty of Bribery, the Sad Effects of Buying and Selling Offices, and Places of Trust and Profit, to which all Miscarriages by Sea and Land may be imputed. Your Petitioner was dropt and remains a poor Petitioner, stript of all his own Estate and Practice, plunged 3000 *l.* in Debt, which Increaseth every Year 180 *l.* for want of Something to pay off either Principal or Interest, and is forced to Abscond, so that he cannot work for his own and Families Subsistence, and hath gotten Nothing after Long Attendance and Dependence, but what will not pay off Tradesmen

to give him Credit for his own and Families Neecessaries. And tho' Offices become Void daily, wherein your Petitioner may be Serviceable to His Majesty, and His People, and Pay Debts, and make Provision for himself and Family : And although all that Love and Honour His Majesty, Agree, That your Petitioner's Afflictions have rather Improved than Impaired him for the Service of the Government, yet your Petitioner is neglected, whereby his Oppression is greater than Tongue or Pen can express.

Now for as much as all in such Employments as your Petitioner was in, are obliged to take Oaths which enjoin them to make Discoveries and Proposals for the Service of the Publick, as your Petitioner hath done, Oaths being all the Security the People have, That the Laws shall be duly and impartially Executed, without which the People cannot be Maintained and Defended in their Rights, Liberties and Properties : Your Petitioner hopes that the Parents of the Law will not suffer him to Languish under Oppression, for obeying Lawful Commands.

Your Petitioner therefore most Humbly prays this Honourable House to take his Sad and Deplorable Case into Consideration, That he may be Relieved as to your Honours may seem Meet and Just:

And your Petitioner, as in Duty Bound,
shall Ever Pray, &c.

To the KING's Most Excellent Majesty.

May it Please Your Majesty,

THE Wisdom of our Laws give Your Majesty the Style and Title of the Father of Your Kingdoms; The Patron and Protector of the Church and State; The Fountain of Justice, and Supream Chancellor, to do what is Equal, Just and Right, for Abating the Rigour, and Supplying the Defects of the Laws, to make them Answer their true End, for the Honour, Comfort and Benefit of Your Majesty, and Your People: And the Law deems such Enemies to God, and Your Majesty, as refuse to take, or observe not, Oaths Established, which require no more of them, than what they by their Vow in Baptism are obliged to perform. And when I call to Mind the many Dangers, both by Sea and Land, to which Your Majesty's Sacred Person hath been so often Exposed, it troubles me, that my Early Proposals were not Accomplished for Your Majesty's Service; yet as it was the Widows Mind made her Mite Acceptable, I hope Your Majesty will Graciously Accept my Good Will, for the Early Redress of such Undue Practices, as All that Truly Loved and Honour'd Your Majesty Agreed, and some Reported under their Hands, had been a great Increase of Your Majesty's Glory to Accomplish. And now the Good Success God (by Your Majesty's Wisdom, Courage, and Conduct) hath given to Your Majesty's Arms against the Common Enemy of all *Christendom*, Enlivens me with Hopes, That Your Majesty may now speedily Accomplish the Happy Settlement of Your Majesty's Administration at Home: That Your People may be United in Brotherly Love and Charity, as they were when Your Royal Predecessors Subdued their Enemies, and Conquered *France*. And if my Experience contribute any thing to a Happy Settlement, I have my wished Ends; not Doubting but Your Majesty, of Your Immense Bounty and Goodness, will Graciously Relieve,

*Your Majesty's
Ever Loyal, Ever Dutiful, and Most
Oppressed Subject,*

Percivall Brunsell.

To the Right Honourable the Lords of His
Majesty's Most Honourable Privy Council.

May it please Your Lordships,

Records shew, That His Majesty's Royal Predecessors were ever best served, and their Subjects most pleased, when even Right was done to Poor and Rich, and their Poorest Petitioners for Good Services were taken care of in the first place; and none of them put to their Appeal to Parliament, or their Dernier Resort, as the French term it, in any Case, where their Majesty's, as Supream Chancellors of England, could (in the Intervals of Parliament) supply the defects of the Laws by force of the Statute 13 Edw. I. Cap. 50. or by their Prerogative, which (being exercised, with due Regard to their Coronation Oaths) was ever accounted the most Essential part of the Law and Good Government: As for instance, King Edw. III. advanced such as did most Excel others in Innocency of Life; and declared, That he was bound by his Oath, and Good Conscience, to maintain the Laws; and for the better Exesution thereof, several Laws were made in the 20th Year of his Reign, which for the usefulness thereof, remains in force at this Day; and he Reigned prosperously Fifty Years, and Four Months. And Hen. IV. applauded the Judge for his Courage and Justice, that Committed his Son to Prison for his Offences; and was so Just and Merciful, that his People intirely Loved him; and he writ to the Pope, That Heresies in Church and State were to be imputed to the Sloth and Negligence of Christian Princes, whose Clergy, either out of Fear, or Avarice, nourished the Heresies: And he Subdued his Enemies at Home and Abroad, and ad'vised his Son that was to Succeed him, To do even Justice to all without delay, and in no wise to suffer the Oppressed long to call of him for Redress, but to Relieve them instantly; by reason the People of England were Stout and True-hearted, if Rich, and Justly dealt with, and Religiously Governed; but if Oppressed, they would Rebel: and his way to be Great, was to Suppress Vice, and Encourage Virtue. And his Son Hen. V. following his Father's Advice, advanced the Judge that did punish him, Subdued the Scots, took their King Prisoner, and Conquered France. And Queen Elizabeth being told,

told, That one Carwarden had presented several Petitions to her Majesty, praying her Majesty to hear how he had been Oppressed, for Discovering Abuses in her Majesty's Customs, but obtained no Answer; her Majesty answered, He should be heard. But some of the great Officers dissuaded her Majesty, pretending the said Carwarden to be a Poor, Impertinent, Projecting Fellow; and that hearing him, would occasion others to be as Troublesome to her Majesty; whereupon her Majesty replied, As he was Poor, she was more bound to do him Justice; and his being a Projector, was a sign he had Brains; and she and her Council could Judge of his Business; and if he was Impertinent, she knew how to Correct him: And upon a hearing, finding his Discoveries solid and true, advanced him to a Place of 800l. per Annum, and his Sons after him Enjoyed the same to the Restauration of King Charles II. and her Majesty Reigned Forty four Years and four Months happily. And King James I. did the like to one Mr. Vernon, upon his Discovery of Abuses in his Majesty's Court of Exchequer. And as these Kings and Queens are Chronicled for their Wisdom and Justice, so the Folly of others is Recorded, that After-ages may know what to eschew or imitate. Therefore as I was a Record-keeper, and am bound by Oath to be as Serviceable as I may, or can be, in my particular Calling, or Profession: I hope Your Lordships will pardon me for Communicating my Experience to Your Lordships, who may Improve the same for His Majesty's Service: And though my own Case may be no way pleasing to some, yet as I am a Christian, I desire that such things as I have Suffered for Discharge of Oath and Duty, may for the future be prevented, for the Common Good and Benefit of my King and Countrey: That Oaths, the Essentials of Law and Good Government, may have their wished Effects, so that Present and After-ages may proclaim his Majesty's Glory, and the great Wisdom and Justice of His Majesty, and his Councils, to the Worlds end; all which is the Hearty Desire of

Your Lordships

Most Dutiful, Humble, and
Obedient Servant,

Percival Brunsell.

TO THE High Court of PARLIAMENT.

May it Please Your Lordships, and Your Honours,

THE Wisdom of the Law, soon after the Conversion of England to the Christian Faith, Established Oaths, enjoining Officers, upon Pain of Temporal Punishment, to do what they are obliged by their Vow in Baptism to do, upon Pain of Eternal Punishment. And Indulgences and Dispensations were not Countenanced by Publick Authority, and Practised, but when the Imperial Crown was under the Yoak of the Pope's Usup'd Supremacy; wherefore no sooner was Popery Banished, but to hinder its return, it was provided by a Law, (a) That none but Persons worthy and meet should be advanced to Offices; and further provided by several Laws, (b) That none should be admitted to Offices, but such, as besides the usual Oaths, would Abjure the Pope's Supremacy, and all Forreign Jurisdiction: And so late as in the 13th Year of King *James* the First (c) Judgment was given against some in the King's Household, That had incurred the Penalties of the Laws against Buying and Selling Offices; and it was adjudged (d) Bribery in Judges to Sell Offices; also declared, (e) That Justice will never be Administred, until that Golden Law, 12 *Rich. 2. Cap. 2.* be observed, in having Persons for their Services Rewarded; and none advanced to Offices for Money, Brocage, Favour or Affection; because if Money, the Root of all Evil, advance Men to Offices, Bribery, Extortion, and what not, will put out the Eyes of Justice: And if Favour or Affection give preference, Partiality will make Justice Deaf, Dim-sighted, and Dull of Understanding: And Monopolizers of Useful Discoveries and Projections were suppress'd, to Encourage Men of Wit and Parts, to employ their Talents for the Benefit of themselves and the Publick. But as soon as the Judges Dispensed with the Statute 12 *Rich. 2. Cap. 2.* Others

(a) 5 and 6
Edw. 6. 16.

(b) 1 Eliz. 1.
3 Jac. 1. cap. 4.
7 Jac. 1. cap. 5.
(c) Inst. 1 p.
f. 234.

(d) Inst. 3 p.
f. 148.

(e) 1 p. 234.

21 Jac. 1. cap.
3.

To the High Court of Parliament.

Others by their Example did the like, whereby Wards, and their Estates became a prey to Ill Officers, and worse Guardians: And Petitioners for Redress of Grievances, or Reward of Services, danced Attendance like *Mordecai* at the Palace Gates; and Judges, and Officers made the Laws speak no Language but what they pleased, until one Oppression upon the Neck of another, occasioned the Never-to-be-forgotten Rebellion in *Anno 1641*. And ever since, our Annals have been stuffed up with Acts of Oblivion and Pardons, and so little mention made of any Restitution to Persons wronged, or Reward given to any for Good Services, that Oaths, the Essentials of Law and Good Government, benefited few, but such as Dispenfed therewith. And now the Imperial Crown is placed with all its Endowments upon His Majesty's Sacred Head, Oaths are still in force to oblige all in such Offices as I was in, to make Discoveries and Proposals for the Service of the Crown and People, as I have done upon that Consideration. All to whom my Case hath been referred, have Reported me worthy of a Reward; and His Majesty was Bountifully inclined to me: But some of the Persons Intrusted to fulfil His Majesty's Pleasure, Robbed me of His Majesty's intended Bounty, and Cloathed their own Relations, or Purchasers therewith; and I was directed to make my Discoveries and Proposals to Parliament; and the same was so well Received and Approved on, that some part thereof is made use of, and the rest may at Pleasure be Accomplished for the Service of the Publick: Yet the House of Commons last Sessions did not Agree with the Committee for an Address, in my behalf, to His Majesty, by Reason the Report of the Committee was made to the House at the latter end of the Session, when most of the Members were gone Home; and such as were present, were so busily employed to make Discoveries of their own Members, suspected to be Guilty of Bribery (the sad Effects of Buying and Selling Places of Trust) that no Report was made of me, or my Case, to the King; and His Majesty knowing few Persons, or their Services, but by Report, and wanting Time to Read my Case, I remain a Petitioner stripped of Estate and Practice, plunged deep in Debt, deprived of Liberty and Property, afflicted with Creditors Abroad, and with the Cries
and

29 Sept. 1692
Vide Report
of Committee
and Votes 27
Dec. 1692.
The Acts since
passed.

To the High Court of Parliament.

and Tears of a Distressed Wife and Family at Home; and Drawing, Transcribing, Printing and Presenting Petitions, Cases, Vindications, Attendance, Sollicitations and Repetitions of my past and present Grievances, greatly augment my Troubles, and are no way pleasing to any to hear or read the same, so that what I suffer is worse than Death, for Obedience to Oaths, which every Christian is obliged by his Vow in Baptism Sacredly to observe: And the Lawful Commands of the Parents of the Law are, as I humbly conceive, above the Commands of Natural Parents: But Self-interested Persons know, *That Example goes beyond Precept*, therefore make me a Living Monument of their Cruelty, that the sad Example of my Sufferings, may make the Race of Mankind Dispense with their Oaths, and wink at others guilty thereof. Some of my own Profession would have me Discouraged, because they pretend I have Discovered and Proposed Nothing, but what they did know before I made any Discovery thereof: Yet as they did not Communicate their Knowledge, and appeared not for the Redress of any of the Abuses set forth in my Case, until I had endured the heat and brunt of the Day; I hope their late appearing shall not lessen my Services. And such as pretend, That it was not a Conscientious Discharge of Oath, but hope of Reward, that prompted me to what I did, may do well to remember, that it was the Devil had the Impudence to say to God himself, *Doth Job serve thee for nothing?* And that the Devil, by God's permission, made *Job* Curse the Womb that Conceived him, and the Breasts that gave him Suck; and that 'tis he would make the People Curse our Laws and Constitutions, and the Parents thereof, and make the Centinels of the Law Dead-hearted and Unactive, to resist the Heresies of such as Obey not Lawful Commands. Had I suffered nothing, I might have been Condemned for asking or expecting any thing; but being a great Sufferer, and for no Cause, but upon the Account of being the First Discoverer of the Abuses set forth in my Case, as the Reports of most in Authority shew; And as I was obliged by Oaths to make such Discoveries; I hope the Government may think it reasonable to pay my Debts, Contracted in the Service thereof, and give me and my Family a Competent Subsistence, in Lieu of
what

To the High Court of Parliament.

what I have lost, by Exposing the Corruptions of the Law, in Obedience to Oaths Established by Profess'd Christians, who Believe, That the God and Father of our Lord Jesus Christ, that Signalized the *Rechabites* Obedience, requires the like to be done by such as are placed in Authority, to be a Terror to Evil Doers, and the Praise of such as do, or desire to do well: And I hope this Honourable House will put such a Stamp upon Obedience to Oaths, that the Ignorant may not say they are *pro forma Tantum*; or, the Cunning make them serve Turns; but that all in Authority under the King, may find it their Interest Religiously to observe the same in all Cases, for the Common Good, and Benefit of the Crown and People. In the Late Reigns the People murmured for want of Parliaments to Redress Grievances, now we have a Good King, and Frequent Parliaments; and King, Lords, and Commons, are to seek the Honour and Glory of God, and to Study to preserve his People, committed to their Charge, in Wealth, Peace, and Godliness: And it's Recorded in Sacred History, written for their Instruction, that when God pleaseth to have his Work done, *one Thousand shall flee at the rebuke of one: at the rebuke of five shall they flee, until they be like a Beacon upon the Top of a Mountain, and an Ensign on a Hill.* Isa. 30. 17. And that our Parliaments may make good Presidents, and set good Examples, and be Honoured, Beloved, and Valued, so that Present and After-ages may proclaim their Wisdom and Justice to the Worlds end, is the hearty Desire of

My Lords, and Your Honours

*Most Humble Servant; and hitherto a
most Misrepresented, and most Oppressed
Freeborn Englishman,*

Percivall Brunskell.

A Brief Vindication of Mr. Percivall Brunsell's Case ; with an Account of Twenty One Years most Remarkable Passages.

HIS Parents in 1663. placed him with Mr. Coates an Attorney, the Practick being esteemed the best Introduction to the Theory of the Law: After Five Years Clerkship, he Practised in Mr. Coates, and other Attorneys Names several Years, until some Attorneys took advantage of the Statute, 3 Jacobi 1. Cap. 7. and forced him to take the Oaths by Law Established, which enjoined him to discover such things, as to his Knowledge were done or suffered, to the Prejudice of the Crown and People. And none pretends to be Prior to him in the Discovery of the Particulars following.

1. Abuse. That Head Officers take their own, and Judges Fees, before Proceedings, or an *Incipitur* thereof be Recorded; and leave Attorneys to Record the same, when, and as they please; whereby the King is wronged of many Duties; and many Subjects, and whole Families have been Ruined, by Loss of Judgments, Decrees; and at great Expence to relieve others.

Remedy. That Judgments and Decrees may be Recorded, or an *Incipitur* thereof, before the Officers take their own, and Judges Fees.

2. Abuse. That many Subjects are Oppressed with Outlawries, for Non-payment of the Duty, called, *Capias pro Fine*, which in many Cases is but 6 s. 8 d. whereby the Subject is often put to 3 l. or 4 l. Charges in the Common Pleas, and 10 l. or 12 l. in the Kings Bench, by reason Suitors cannot appear by Attorney, as they may do in the Common Pleas.

Remedy. As the Statute 23 Hen. 8. Cap. 15. impowereth Costs to be Taxed discretionally: The King's Fine may be Taxed in Cost, and be paid upon Signing Judgment.

3. Abuse. That Under Sheriffs, for Bribes, pack Juries; or Officers, for Bribes, as such as be Impannelled, whereby they are supplied with By-standers, too often attending to serve the Base Ends of Litigious Suitors; and many Freeholders Impannelled are forced to dance Attendance, upon old Causes, which is very Grievous, if they live remote from Assizes and Sessions.

That

That Freeholders be Returned to serve in Turns, the most Substantial Remedy. at Assizes, and less able at Sessions; and none to be spared, but by Order of Court, nor any put to serve out of their Turns, or upon Old Causes, but in special Cases, where Jurors are Impannelled, and settled by Order of Court.

That Officers (as Sworn to take care of His Majesty's Business) do not 4. Abuse. Record Amerciaments, or (if Recorded) do not see them duly Estreated and Levied upon Vexatious Suitors.

That Officers may Record the King's Fines, and Amerciaments, and Remedy. Estreat, and Levy them, *ex Officio*.

That Under-Sheriffs Assign over Bonds taken to secure themselves, in 5. Abuse. Case the Defendants appear not at the Return of the Process, before Sheriffs be Actually Amerced, and the King's Duty be Actually Paid.

That the King's Duty be paid before the Defendant be sued upon such Remedy. Bonds; and that Defendants, upon paying what the Sheriff is really Damified, and the Plaintiffs full Costs, may be admitted to give Bail to the Original Action, and Try it.

That the King's Duty upon Original Writs, by the Contrivance of *Ac* 6. Abuse. *Etiam* Bill in the Common Pleas, is not paid as it ought to be: And Litigious Plaintiffs lay their Demands as high as they please, to hold Defendants to unreasonable Bail; and some that live remote from the Courts at *Westminster*, being unable to give special Bail before a Judge, are forced to comply with Plaintiffs unreasonable Demands, or suffer long Imprisonment.

That the Duty be paid upon Original Writs, as it ought to be; and Remedy. that Plaintiffs find Sureties, that their Demands exceed not their real Cause of Action, as Anciently they did to Answer the Amerciament *pro falso Clamore*.

That Sheriffs Dispence with the Statute, 13 *Edw. 1. Cap. 39.* and 7. Abuse. Wrong the King of Fines and Forfeitures, by Returning Debtors to be in Liberties and Franchises which be not, and Charging the King with Wages for such Justices of Peace, and their Men, as did not attend at Assizes and Sessions.

That the Boundaries or Extent of all Liberties and Franchises, as well as Remedy. a Particular of all Royalties Claimed therein, may be Recorded in the Exchequer, in distinct Rolls for every County: And that Bailiffs make Oath before some Magistrate, That their Returns and Accompts of Fines, Forfeitures, Issues, and Amerciaments are true, and deliver the same so Attested to the Sheriffs: And that the Sheriffs produce the same to Accompt by in the Exchequer, and make Oath, That they are the same unaltered: Also, that Wages are not Charged for any Justice of Peace, or his Men, but such as Actually Attended at Assizes and Sessions.

8. Abuse.

That Officers for Bribes Discharge Criminals of Recognizances Forfeited to avoid Trial, and Wrong the King, by making easie Compositions upon wrong Suggestions, or drain the King's Debtors with false Returns and Respite, until they be Insolvent, whereby they, their Wives, and Children, become Burthensome to the Parishes they live in; or make many of them so Poor, That the King gets not above 5 s. of a Real Debt of 40 l.

Remedy.

That all Recognizances, Forfeitures, Issues, Fines, and Amerciaments may be duly Certified into the Exchequer: And that the Suggestions, or Grounds of every Composition be duly Recorded.

9. Abuse.

That the King's Duty of *Pra Fine* is certain, viz. 10 l. for every 100 l. *per Annum* contained in Writs of Covenant, and Entry: And the Commissioners make Rent, Charges and Annuities, though but Estates for Life; pay full Duty; yet Abate of Estates in Fee 7, 8, or 9 l. in every Duty of 10 l. more or less, by Certifying the Annual Values to be as they please; and shewing more Favour to one than to another, so that the Persons most favoured, may attribute it to the Commissioners Kindness; but cannot ascribe it to the Bounty or Goodness of the King.

Remedy.

That the Commissioners may administer Oaths as they ought to do, for the Ascertainning the Annual Value of every Estate in Fee, contained in every Writ, and may be Impowered to Abate one half, or any other certain part of the Real Duty, and be enjoined to distribute His Majesty's Bounty equally and impartially, by Rating all Subjects accordingly: And may also Certifie the same so done, by the King's special Grace and Bounty; then the King will have the Grateful Acknowledgments of his Subjects for what's Abated.

10. Abuse.

That many Thousand Families have been undone by Officers and Attorneys Exactions.

Remedy.

That an Exact Table of Fees be hung up in every Court and Office.

11. Abuse.

That Offices are Bought and Sold under the Umbrage of the Proviso in the Statute, 5 and 6 *Edw. 6. Cap. 16.* which Proviso is Misconstrued: For the Reservation is but for the Chief Justices, to do as they might have done formerly, and by former Laws not Repealed, they are Prohibited expressly to Sell Offices: But the King may make a Revenue thereof, yet doth not.

18 and 20 *Ed.*

3.

12 *Rich. 2. cap.*

2.

That the Statute 12 *Rich. 2. Cap. 2.* be observed, and that the King take a full Years Profits, payable in Two Years time, as the First-fruits of Spiritual Livings are paid.

Attorney General North's Reports, Oct. 1674.

Attorney General North's Report, Oct. 1674.

That the Small Fines and Amerciaments, in all Courts, are wholly neglected,

lected, which if Carefully looked after, will be of a Considerable Value ; and the said *Brunskell* deserves an Imployment therein for so useful a Discovery.

Francis North.

His Opinion Afterward.

That he was glad of the Opportunity so to Report, because he had often moved the Judges to take Care of Fines and Amerciaments : And it was needful to Appoint a fit Person to Controul the Officers who Pocket His Majesty's Profits.

North being made Chief Justice of the Common Pleas, Retracted his Reports, because his Officers Claimed part of the Fines as their Perquisites.

That all the Fines and Amerciaments of Right belong to the King.

Ch. Harboord.

Sir Ch. Harboord's Report upon a full Hearing.

Then the Revenue arising by Fines, Forfeitures, Issues, and Amerciaments, being Represented to be of Small Yearly Value, and not worth the King's Care, the said *Brunskell* prevailed with the Honourable *Sir Francis Compton*, to get a Certificate from the *Pipe-Office*, of the Value of the Green-Wax Fines brought to Accompt, whereby it appeared, That of 57000 *l.* Yearly Extreated and Returned into the Exchequer, so many were Nichelled, that the King got not above 500 *l.* per Annum.

Attorney General Jones Report upon the State of Abuses, and Remedies.

That many of the Abuses are true, and fit to be Redressed ; and all, *Sir William* or the greatest part, may be Remedied by the Judges Orders, and the Discoverer deserveth the Assurance of a Liberal Reward for the Service he hath done, and may for the future do in discovering these, and the like Abuses.

William Jones.

Sir William Jones being Removed; the same State of Abuses and Remedies were Referred to Sir Robert Sawyer Attorney General, who Reported,

That Great Abuses are Practised, and it's fit such Rules be made, that the King may not be injured : And the Orders Proposed seem reasonable in the main, to Remedy them.

Sir Robert Sawyer's Attorney General's Report.

Robert Sawyer.

Upon

Upon the aforefaid Reports, Opinions and Certificates, the Late King Charles the Second was Inclined to Grant to the faid *Brunskell* the Office of Surveyor of the Green-Wax Fines. But the Form of the Grant of the Green-Wax Fines could not, of a long while, be fettled, until Mr. *Saunders*, afterward Lord Chief Juſtice, Mr. Serjeant *Raymond*, afterward a Judge, and Serjeant *Sympſon*, made and certified the Draught of a Grant, as followeth ;

Saunders,
Raymond, and
Sympſon's Opinions.

That a Grant, purſuant to this Draught, is Legal, in Regard all the Money is Actually brought in by the Legal Proceſs of the Reſpective Courts, ſo that the Subject is not vexed with any new way of Proceeding, but Things run in their uſual Channel.

Tho. Raymond,
Edm. Saunders,
John Sympſon.

Sir William Williams Opinion being alſo Required, he gave it as followeth ;

Sir William Williams Opinion.

I am of Opinion, the King may Legally Grant what is premiſed ; and ſuch Grant, in good Hands, will be helpful to the Adminiſtration of Juſtice.

William Williams.

Certificate
from *Ireland*.

Then it was Objected, *That it was impracticable ;* whereupon the Opinion of the Judges of *Ireland* were required, who Certified,

That the Revenue of Green-Wax was managed by Farmers, and a Surveyor there.

Then the Late Earl of Angleſey's Opinion was Required, who Certified,

Earl of Angleſey, Lord Privy Seal's Opinion.

I know very well, that this Grant will be for the Eaſe and Benefit of the Poorer ſort of People, who are Miſerably Oppreſſed by the Exchequer-Officers, which make them ſo oppoſite againſt their Oaths to the King's making the Juſt and Merciful Advantage of this his Ancient Revenue of Green-Wax.

Angleſey, C. P. S.

Then the ſaid Brunskell was Represented to have Misbehaved himſelf in the Rolls Chappel, whereupon Sir Harbotle Grimſtone, then Maſter of the Rolls, Certified,

Sir Harbotle Grimſton's Certificate.

I know Mr. *Brunskell* to be a fit Perſon to be Employed in His Maſteſty's Service ;

Service; for he was one of my Clerks in the *Rolls Chappel*, which is an Office of great Trust, and did Honestly Demean himself therein.

Har. Grimston.

Mr. Coates Certificate being Required, he Certified,

I do Certifie, That *Mr. Percivall Brunsell* was my Clerk Five Years, *Mr. Coates* and his Father gave me 100 l. with him; and he was a Sober, Vertuous, *Certificate.* Studious Youth, and so Diligent and Faithful, that whereas I had a Hundred Pound with him, I would give 100 l. for such another.

Jo. Coates.

Then the Grant of the Green-Wax Fines, and Office of Surveyor, was made to several Persons of Honour, and the said *Brunsell*; but before any Execution thereof, it was Revoked. And after long strugling, the King Granted the said Office of Surveyor, and also a Commissioners Place in the *Alienation-Office* to the said *Brunsell*: But it was Objected, *He being no Gentleman, was not qualified to sit with the other Commissioners in the Alienation-Office, who were Honourable Persons*: Whereupon the King desiring to know the said *Brunsell's* Pedigree, *Sir William Dugdale*, Norroy at Arms, Certified he was Well-descended of good Parents, both by Father and Mother side, and had a good Coat of Arms; and Records were also produced, whereby it appeared, That his Father, and Ancestors, were Ancient Tenants *in Capite*. Then the said Chief Justice *North*, and the Commissioners in the *Alienation-Office* so Contrived the Matter, that the said *Brunsell* was but One Commissioner of Five in the *Alienation-Office*, and Three made the *Quorum*; and the Judges refusing to make Orders to Subject their Officers to yield Obedience to the King's Grant, nothing could be done.

Then the Old Commissioners in the Alienation-Office justified their Authority to Abate of the Duty, whereupon the Opinions of Sir Robert Sawyer, and Mr. Ward, (now Lord Chief Barons) were desired, which are as follow,

Where the Certainty of the Duty appeareth, the Commissioners cannot Abate thereof, having no such Power by their Commission: And in Case the Method observed by former Commissioners be greatly to His Majesty's Prejudice, others more Beneficial may by Law be prescribed.

Robert Sawyer.

If His Majesty's Duty be Certain in it self, I cannot see how the Commissioners can Lessen or Abate it, without an Authority from the King: *Mr. Ward, now Sir Edward, and Lord Every Chief Baron.*

Every Person Intrusted in His Majesty's Revenue, is Answerable to His Majesty for the Execution of his Office ; and by Suit in the Attorney Generals Name being Convicted of any Fraud, or wilful Breach of Trust to His Majesty's Damage, is liable by Law to make the same good.

Edward Ward.

After this , a Hearing before the King in Council was appointed about settling Rules and Orders, for the better Management of the several Duties, and Redress of the said Abuses : But the Judges opposing, and the Charter of *London*, and other Matters, being at the same time upon the Stage, wherein the Judges were thought useful, nothing was ordered or settled. Then great Endeavours were used to have the said *Brunskell* removed, but not prevailing with the King to displace him, the Lord Chief Justice *North* caused the said *Brunskell's* Salaries to be stopt, whereupon he Printed a Book, Dedicated to the King, and therein set out how Cruelly he had been Abused with Hearings, and Rehearings, References, Reports, Attendance and Dependance ; and how often he had been Attempted to be Murdered, and how narrowly he had escaped ; and what Debts he had Contracted, besides what Damage he had sustained by the Loss of his Practice, and the Expence of his own Estate, for Discharge of Oath and Duty ; and Vindicated his Discovery and Proposals with so much clearness, that King *Charles* the Second was pleased to say, *The said Brunskell's Salaries should be paid, and that he should soon be Liberally Rewarded, and provided for ; and that it should not be in the Power of the Judges and Officers to Hurt him, or Rob him of His Majesty's Bounty :* But the King dying suddenly soon after, nothing was done.

Upon the Late King's Access to the Crown, both the said Offices were granted away.

Upon this Revolution, the said *Brunskell* Petitioned His Now Majesty, for the said Office of Surveyor of the Green-Wax Fines, and a Commissioners Place in the *Alienation-Office*, and was referred to the Barons of the Exchequer ; who Reported,

That the said *Brunskell* was well Experienced, and every way well-qualified for the said Offices ; and had taken great Pains to find out Abuses, and Deserved the said Offices.

And Fifty Members of the Convention Parliament Certified, That the said *Brunskell* was a fit Object of His Majesty's Bounty, and deserved the said Offices.

But Relations to Persons in great Power being Competitors for the said Offices, leaped over Reports, Caveats, and what not ; whereupon the said *Brunskell* Petitioned for a Hearing, either before His Majesty in Council, or in the Treasury Chamber, but obtained no Hearing.

Then

Lord Chief
Baron, Sir R.
Atkins, &c.

Certificate of
the Conventi-
on Parliament.

Then the said *Brunskell* humbly proposed how, and which way His Majesty might Get and Save Three Hundred Thousand Pounds *per Annum*, and Ease his People of so much, and as much more Yearly; and desired leave to make good his Proposals: And by His Majesty's Appointment, obtained a Hearing in the Treasury Chamber, before the then Lords Commissioners, Lord Chief Baron *Atkins*, and Sir *George Treby* then Attorney General, and maintained his Proposals, as followeth.

The People of *England*, after long Experience of several Kings with separate Interests, were no sooner Happy under the Government of one, but unanimously Endowed the Crown with the Sole Disposition of Honours and Offices of Profit, and with Power to Reward and Punish. And when in Times of Usurpation several Ancient Prerogatives and Antiquities of Justice were severed by Grants from the Crown, the People found themselves so greatly Oppressed by Men of Private Interest, that no sooner was the Popes Usurped Supremacy shaken off, But the Authorities of Justice, and the Ancient Prerogatives so severed, were reunited to the Crown by Act of Parliament: And as His Majesty is the Fountain of Justice, as well as Patron and Protector of the Church: And as Offices, as well as Benefices are Donative: And as Offices are incident, (and originally Instituted) to support the Administration, which is inseparably United and Annexed to the Imperial Crown and Dignity: His Majesty may reasonably make such Profit of Temporal Offices, as His Majesty doth, or ought to make of Spiritual Benefices: And Acts of Parliament empowering any to do (a) what His Majesty hath Right to do, shall not barr His Majesty from doing it: Because such Acts were intended to Ease His Majesty of Labour, not to deprive His Majesty of His Power or Prerogative, which is the most Essential part (b) of the Laws of *England*.

The Construction which is made of the Proviso in the Statute 5 and 6 *Edw. 6.* for the Judges to Sell Offices, is Repugnant to what the Act intended to remedy, and (a) void; but the words are only, That they may do as formerly; and by the Statute 12 *Rich. 2. Cap. 2.* and 18. and 20 *Edw. 3.* they are Prohibited to take Money for Offices, Fee, or ought of Profit of any but the King: For that reason, former Judges (until the Rebellion in 1641. unhinged the Government) (b) did hold and adjudge it Bribery for any, in Judicial Office, to Sell Offices, or take Money, Fee, or Gift, or ought of Value of any but the King. And it's the Opinion of a Learned Judge, (a) That Justice will never be Administred, until the Golden Law, 12 *Rich. 2. Cap. 2.* be observed; which provides, That such as have the Ordaining, Naming, or Making of any Officer under the King, shall not do it for Money, Favour or Affection; because if Money, the Root of all Evil, Advance Men to Offices, Bribery, Extortion, and what not, will put out the Eyes of Justice: And if Favour or Affection

29 Sep. 1698

27 Hen. 8. cap.

24.

(a) Dyer 225.

Hob. Rep. 146.

(b) Instit. 1 p.

f. 119. 2 p. 436.

(a) Cook's Re-

ports.

Alton Wood's

Case.

Plow Com.

361.

Dyer 231. 313

1 Instit. 381.

(b) Instit. 3 p. f.

145, 148.

(a) Co. Inst. f.

34.

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on give preference, Partiality will make Justice Deaf, Dim-sighted, and Dull of Understanding.

King *Henry VIII.* Granted the Disposition of Felons Goods to his Almoner, and without taking any notice of the Grant to his Almoner, Granted divers Felons Goods to one *Hales*: The Almoner disputed his Right; yet the Grant (a) to *Hales* was adjudged good against the Almoner; because the Almoner was only a Minister in Trust for the King: So the Office of Master of the Rolls (b) was settled by Grant, or Letters Patents under the Great Seal, to be in the Disposition of the Chancellor or Keeper of the Great Seal for the Time being, yet when it became void, (a) It was adjudged to be in the King's Gift: The Disposition of other Offices upon like Disputes, between the King and his Judges, have been adjudged for the King; by reason the King cannot Lose his Original Right by lapse of Time; and Offices upon their Erection were not worth his Care or Cognizance; now they are Choice Flowers in His Majesty's Garden; and if such as had Inferior Offices in their Gift could not maintain their Title thereto in Point of Law, who under the umbrage of general Words of all Perquisites and Advantages, can pretend to Offices that are known by express Names; seeing the Statute 1 *Hen. 4. Cap. 6.* provides, That nothing shall pass out of the Crown without express mention: And the Judges have not any Inferior Office by Name Granted to them; and none but the Judges have any Colour or Claim to Inferior Offices: His Majesty by disposing of Offices, may Reward good Services, and raise a Revenue *Uno & eodem tempore*: As for instance, if His Majesty give *A. B.* an Office of Value, upon Condition to pay One Years Profits in Two Years time, by Quarterly Payments, *A. B.* will have one half to live on, while the other is paying; and will have the whole after Two Years: And *A. B.* will save above Seven or Eight Years Value in ready Money, at the Rate Offices have been Sold in Courts of Justice, and Five or Six Years, at the Rate Offices have been Sold in the Household: And the Money arising by the Profits so taken, will Ease all Loving Subjects of so much in new Aids and Taxes: And if Officers of Courts of Justice Pay no Ready Money, they will not make Suitors Expend more than the Value of the thing in Suit, as too many have done, to Reimburse themselves.

A Registry of the Names of Persons Useful and Serviceable to the Publick was kept, and such were well Rewarded according to their Services, and Qualifications, with Offices of the King's Gift; and was a Registry kept, and Persons preferred as. Registred, it would prevent strugling for Offices at this Day, which would be good Service. For if Three be Competitors for an Office, 'tis Morally impossible to oblige One without disoblighing Two; and Persons disgusted are apt to be Factious. And His Majesty may Legally supply most Defects or Abuses, either in the Exposition

(a) *Co. Rep.*
Alcon Wood's
Case.

(b) *Institutes* 3
part. fol. 95, 96.

(a) 18 *Ed. 4. f. 7.*
Hob. Rep. 153.

13 Ed. 4. part. sub
Fugate Privy
Council.

13 *Ed. 4. 1. Cap.*
94.

stitution or Execution of the Law, such Power being expressly Saved in, and Reserved to the Crown by a Law.

The Casual Revenue arising by Fines and Penalties is very Ancient, and is augmented by every new Law, which is seldom without Penalties to make it be observed, so that in Case the Abuses discovered were Redressed, and Penalties rightly managed, they would not only be a great Revenue to His Majesty, but support the Administration of Justice, without which, neither his Majesty, nor his People, can be Happy: For that Reason, the Wisdom of the Law took more than ordinary Care to have that Revenue called, Green-Wax Fines, arising by Fines, Forfeitures, Issues and Amerciaments, well Managed, and duly Answered, as appears by the many Laws made for that purpose (a). And if those Laws were duly observed, moderately computing what peaceable Subjects will save thereby in Suits, and His Majesty get and save, when such as disturb His Majesty, or His People, are Condignly Punished. The Benefit and Advantage to His Majesty, and His People, together with what His Majesty may make of Offices, will far exceed the Yearly Profit and Advantages Proposed to His Majesty.

After the said Brunskell had made out his Proposals, as aforesaid, and made their Lordships sensible of his great Sufferings for his Faithful Discharge of Oath and Duty, their Lordships caused him to be minuted in the Treasury-book, to be put into the Alienation-Office for his present Subsistence; and directed him to make his Application to Parliament upon his Proposals.

The said Brunskell, as directed, made diligent Application to the House of Commons, and was Referred to a Committee, who came to several Resolutions, which they Reported, and are as follow.

Upon Consideration of Mr. Percivall Brunskell's Petition to us Referred; It is the Opinion of this Committee, That the Laws against Buying and Selling Offices, are deficient.

Resolved, That the House be moved for leave to bring in a Bill against Buying and Selling Offices.

Resolved, That the House be moved for leave to bring in a Bill, to Ascertain the Fees of Officers, Attorneys, Clerks and Solicitors.

Resolved, Also that the House be moved for leave to bring in a Bill, That His Majesty, as Offices become Void, may have the First Years Profits, payable in Two Years time.

That the said Brunskell's Case be laid before the House, whereby it appeared, That he had lost his Practice, which Loss upward of Twenty One Years, at 300 l. per Annum, doth amount to 6300 l. And as he was in a Hopeful Way of Increasing in his Business, the Loss may be computed to be much greater. Also that he had Expended his own Estate 1500 l. which with Simple Interest at 14

51 He. 3. St. Scac.
10 Ed. 1. St. Rurl.
27 Edw. 1. Cap. 2.
29 Edw. 3. Cap. 5.
12 Ric. 2. Cap. 10.
6 Hen. 4. Cap. 3.
7 Hen. 4. Cap. 3.
1 Hen. 5. Cap. 4.
4 Hen. 5. Cap. 2.
23 Hen. 6. Ca. 10.
11 Hen. 7. Cap. 15.
27 Hen. 8. Cap. 24.
7 Edw. 6. Cap. 1.
18 Eliz. Cap. 5.
27 Eliz. Cap. 10.
21 Jac. 1. Cap. 4.
22 and 23 Car. 2.
Cap. 22.
1 Jac. 2.
2 Will. & Maria.

Resolutions of
Committee of
the House of
Commons, Re-
ported Dec. 1698

Years, amounted to 2760 l. and his Debts Contracted now exceed 3000 l. by Reason they Increase 80 l. per Annum, for want of something to pay off either Principal or Interest; so that his Real Loss and Damage exceeds 12060 l. And it also appeared, how narrowly he escaped being Murdered, and other Hardships, as therein set out, for no Cause at all, but for making Discoveries of undue Practices in Discharge of Oaths by Law Established, which admit of no Construction, Genuine Sense, or Meaning, but what he put upon them.

Whereupon the House of Commons Agreed with the Committee to the First and Second Resolutions with some Amendments; and some Debate arising upon the Third Resolution preceeding his Case, It was Adjourned; and before the Day to which the same was Adjourned, the House broke up.

As soon as the Session was ended, the said *Brunskell* humbly Petitioned for the Offices he had formerly, or an Equivolent, and his Petition was Referred to the Consideration of the said Late Lord Chief Baron, Sir *Robert Atkins*, who Reported, as he had done before;

Lord Chief Barons Second Report. That the said *Brunskell* was Well experienced, and every way Well-qualified for the said Offices, and deserved a Reward for Discovering such Abuses, as will greatly Increase His Majesty's Glory to Redress; and that His Majesty hath Ways and Means enough to Reward the said *Brunskell*, without disobliging any.

Upon this Report, His Majesty Graciously signified His Pleasure by the Right Honourable the Earl of *Rumney*, to the then Lords Commissioners of His Treasury, to Consider of the said Petition and Report, and to Report their Lordships Opinion thereon to His Majesty, what was fit to be done for the Petitioners Gratification. But their Lordships made not any Report to His Majesty. And although the said *Brunskell* Petitioned several times after for Offices of Profit, as they became Void, wherein he might have been Serviceable to His Majesty, and Pay his Debts without being Burthensome to His Majesty, or disobliging any: And altho' His Majesty most Graciously lodged all his Petitions with His Majesty's Proper Ministers; yet while he lay Crippled at the Pool, others slept in.

The several Laws made after the said *Brunskell*'s Case, was upon the Report of the Committee laid before the House of Commons, which visibly Redress Abuses therein set forth, are as follows;

An Act to take Special Bail in the Country.

An Act to prevent Malicious Informations.

An Act for delivering Declarations to Prisoners.

An Act for Reviving several Laws, among the rest, the Law for the better Recovery of Fines, Forfeitures, Issues and Amerciaments.

An Act for Rectifying Proceedings in the Crown-Office, and Reversing Outlawries, by Attorney in the King's Bench.

An Act for the better Discovery of Judgments.

And

An Act to Reverse Proceedings at Quarter Sessions of the Peace.

An Act to Take away Process of Capiatus, which expressly provides, That His Majesty's Duty, called, Capias pro Fine, shall be paid, as the said Brunskell Proposed.

The said Laws plainly shew, That the Government hath made use of the said *Brunskell's* Discoveries, and may at leisure make use of the rest, as hath been done; for good things proposed, seldom are forgotten. The said *Brunskell*, together with one *Fabian Phillips*, Esq; did formerly propose a Paper Tax, which was a Shoeing-horn to the Act lately made, for laying a Duty upon Vellom and Parchment, as well as Paper: For that reason, the said *Brunskell* was an Early Petitioner for a Commissioners Place, but obtained nothing, save an Employment to Inspect His Majesty's Upper Bench and Offices, to see His Duties Answered, with no more Fee, Profit, or Perquisite, than 20 *l. per Annum*, which will but barely pay for his own and Families Sleeping-rooms: And an Ungrateful Office, and Small Salary, suites ill with all Persons under the said *Brunskell's* Circumstances, by reason the generality of Mankind desires to be freed from Duties, and few Honest Men love to be inspected, and Ill Men cannot endure it.

The said *Brunskell* was also Instrumental to promote the Late Act for laying a Duty upon Births, Burials, and Marriages, as the Right Honourable Mr. *Mountague*, and several Worthy Members may remember, on whom the said *Brunskell* waited with Proposals: And the said *Brunskell* is so far from obtaining a Reward; that the great Losses he hath sustained upon Account of his Services, are in no measure Compensated or Repaired, whereupon the said *Brunskell* betook himself to Practice for Subsistence, and was fallen a little into Business: Yet he had no sooner obtained the said Poor Office of Inspection; but some out of Malice told his Creditors, That the Employment was better than 500 *l. per Annum* to him, and that he was in a Condition to pay them; whereupon some Creditors Arrested him; and had not a Merchant and Client given Security for the Debt, being near a 100 *l.* he had Starved in Goal; now he is out, he is forced to abscond, to avoid being Arrested again, whereby he cannot attend his Clients, and their Business, at proper Times and Places; so that several have forsaken him, and Employed others upon that Account; and more have quitted him upon some Maliciously telling them, That the said *Brunskell* is so much the Aversion of the Robe and Quill, that his very appearing for Clients, is enough to make them miscarry in their Business: And now he is more and more Oppressed with the Cries and Tears of his Wife and Family for want of Necessaries; so that his Case is harder for serving the Crown and People in the Faithful Discharge of Oath and Duty, than if he had been Guilty of Enormous Crimes: For Traytors have been pardoned and

and restored to their Estates, by the Mercy and Bounty of the Government, yet none Acts the part of the good *Samaritan* to him stript of Estate, and Wounded in Reputation, by such as make it their Business to discourage Obedience to Oaths, the Essentials of Law and Government.

'Twas unavoidable necessity made the said *Brunskell*, last Session, Petition the House of Commons for an Address in his Behalf to His Majesty; whereupon he was Referred to a Committee of Worthy Members, not Blemished with the Bribery and Corruptions others have been Accused of: And they came to these Resolutions, which were Reported, as follow;

Sabbath 20. April.
1795. Report
of the Committee.
see.

The Committee having considered of the Petition of Mr. Percival Brunskell, do find,

That the said Brunskell did in the Year 1674. Discover how the Crown was Wronged, and Subjects Oppressed, by many undue Practices, proceeding from Buying and Selling Offices; and Proposed how to Remedy the same: And his Discoveries, and Proposals were agreed to be Good Service, and Worthy of a Reward.

It likewise appeared to the Committee, That his Late Majesty, King Charles the Second, did Grant him the Office of Surveyor General of the Green-Wax Fines, and a Commissioners Place in the Alienation-Office; but he was soon after turned out of those Offices, and received little Salary during his Continuance therein.

That the said Brunskell, by Making and Prosecuting the said Discoveries, hath lost his Practice, being an Attorney, and hath spent his Estate, and Contracted great Debts; and hath been a very great Sufferer ever since such Discovery.

That upon this Revolution, His Present Majesty being Graciously inclined to restore him to the said Offices, Referred his Case to the Consideration of the Barons of the Exchequer, who Reported him a Person every way Qualified, and Deserving the said Offices; whereupon His Majesty Graciously Promised to Restore him to the said Places, as appeared to the Committee by a Certificate under the Hand of his Grace the Duke of Bolton.

Upon the whole matter, the Committee thought fit to come to this Resolution.

Resolved, That it is the Opinion of this Committee, That the said Brunskell's Services and Sufferings are Worthy the Consideration of this House.

Resolved also, That this House be moved, that an Humble Address be made to His Majesty, That he would be Graciously pleased to take into His Princely Consideration the Services and Sufferings of the said Brunskell, and Reward the same.

But it being Reported at the latter end of the Session, when most Members were gone Home; and such as were in Town being Busie about finding out their own Members, suspected to be guilty of Bribery, the House Agreed not with the Committee; whereupon the said *Brunskell*, as he was advised, humbly Petitioned His Majesty for a 1000 l. to bring

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his Debts within the Compass of his own Relations : And upon a Vacancy, to be put into some good Employment, wherein he may be Serviceable to His Majesty, and Pay his Debts, without being in the least Burthensome : And His Majesty most Graciously received his Petition, and Lodged it with the Lords Commissioners of His Majesty's Treasury, the Week before His Majesty went to *Flanders*, and their Lordships have (as the said *Brunskell* is told) resolved to represent his Case and Condition to the King : But as their Lordships are Great Bodies, they move slowly. And if Hope deferred makes the Heart sick, delay being dangerous in most Cases, may prove Fatal to the said *Brunskell*, Languishing under the Oppression aforesaid.

Petition to His Majesty Lodged in the Treasury

An Humble Proposal to prevent Tumult, Trouble and Charge, in Elections of Members to serve in Parliament.

That such Persons as for the future stand to be Elected to serve in Parliament, may give in their Names to the Sheriff, or other Proper Officer,

Days before the Election ; and that the Sheriff, or other Proper Officer, be obliged to proclaim their Names throughout his Shrievalry or Precinct ; and that every Candidate be obliged to Chuse Trustees, and that a Trustee for every Candidate, together with the Bailiff, Constable, or other Proper Officer in his Hundred, Ward, or Division, go from House to House, or appoint a certain Time and Place in every Parish, to take the Voices of the Electors Qualified, and make Return thereof duly to the Sheriff, or other Proper Officer, in the presence of such as the Candidates shall Chuse to be the Triers of the Election, that the same may be duly declared, according to the Majority of Voices : And that every Candidate may be obliged not, by himself, or other, to Feast or Treat any Elector, or give, or promise to give, him any thing, upon the Account of giving his Voice ; and that Elector may be obliged not to receive, or take, any thing by himself, or other, or to the like effect ; otherwise when Drink is in, and Wit out, Electors may be Corrupted to Sell their Voices ; and such Honest Gentlemen as will spend their Money freely, will not Bribe, as such as have Ill Designs will do.

An Humble Proposal to supply the Defects of the Laws against Buying and Selling Offices.

That a Registry may be kept of the Names of such, as do Publick and Good Services ; and the Poorest sort of them to be provided for, with Offices or Pensions according to their Services and Qualifications, and the Richer Persons accordingly, as soon as the Poor is taken Care of : And when there is not any in the Registry Qualified for an Office Void ; that if Two or more be Competitors for it, and it's equal to the Government who have it, that preference may be decided by Lot, to prevent disobligh-

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ing any, and make but one or two of such as Abuse their Trust, Examples of the Wisdom and Justice of the Government, and all good People will Love and Honour it.

An Humble Proposal for having all Vacancies of Judges, and Offices, supplied with the most Learned, and most Experienced Men of the Nation, for a further Supply of the Laws against Buying and Selling Offices.

That for the future, upon the Vacancy of a Judge, Attorney, Solicitor General, or other of the King's Council at Law, the Inns of Court may, in every of their respective Societies, Elect one fit to succeed; and His Majesty may, out of their Elections, make Choice of which he pleaseth, to supply the Vacancies. And when Offices in Courts of Law or Equity fall Void, (in Case no Person, in the Registry of Person for Good Services, be qualified for the same) the Inns of Court and Chancery may, in every of their respective Societies, Elect a fit Person to succeed; and out of their Choice His Majesty may make the Officer. And the King's Attorney, Solicitor General, and His other Council at Law, may be allowed certain and sufficient Salaries, and be prohibited to Practise or Plead in Causes between Party and Party; and may be enjoined to Plead and Maintain Actions, Popular Informations, and Pleas of the Crown, *gratis*, that they may not be Byassed either for or against the Party Prosecuting or Prosecuted. And seeing the Law Books are much perplexed with ill Authorities, it is likewise Proposed, That the King's Attorney, Solicitor General, and other Council at Law, be set at work to Correct the Errors and Mistakes of the Law Books, and Explain Doubtful Points, and Expunge such Things as misguide Young Students.

Now for as much as the Monk that first Invented Guns, and the Souldier Printing, and the Poor Friar *Luther*, that first Exposed Popish Heresies, are Cronick'd for their Services, it may be hoped, that this Government will not suffer the said *Brunskell* to Perish, for being the First Discoverer of the Undue Practices in his Case set forth, considering all to whom the same hath been referred, have reported him Worthy of a Reward; by reason, as Oaths are the Commands of the Parents of the Law Obedience, ought not to be Disparaged; for were Oaths *pro forma*, taking them would not be required, upon Pain of Incurring a Premunire. All agree, that the said *Brunskell* is Arbitrarily Punished and Oppressed; and none can say, but that his Afflictions have rather Improved than Impaired him for Publick Service; and a good Office will Cost the Government nothing. If he Behave himself well therein, and be Cherished for so doing, it will make others follow his Example. If he Misbehave himself, he may be Convicted, and Condingly Punished, whereby others will receive Instructions, so the Government will reap Benefit both ways: And should not the Government Act the part of the good *Samaritan*, having found the said *Brunskell* hurt, wounded, and left more than half Dead, by such as regard not Oaths, the Essentials of Law and good Government; It may be truly said, That the Laws are Good, their Execution Honourable; but the Execution makes them Cobwebs for Foxes to break through, and Fetters to Ensnare silly Flies.

